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ABSTRACT

Designed to assist Ohio educators with the responsibility of complying with the Copyright Revision Act of 1976, this handbook is intended to be used as a tool by library media personnel working in concert with school boards and local administrators to determine policies and procedures for compliance. Discussions include the following topics: (1) a definition of the copyright law, including Section 107--Fair Use, Section 108--Reproduction by Librarians and Archives, and Section 110--Exemptions of Certain Performances and Displays; (2) rights and responsibilities for superintendents and school boards, principals, library media coordinators/supervisors, computer coordinators/supervisors, and teachers; (3) suggested procedures for copyright compliance, including sample policy statements and statements of designation of responsibility; (4) guidelines for the reproduction or use of copyrighted materials, including material in print, music, audiovisual material, and computer software; and (5) signs, labels, and forms to be used as tools for monitoring copyright compliance. A 17-item bibliography and a listing of 6 organizations that could provide help are included. (KM)

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COPYRIGHT COMPLIANCE GUIDELINES

A RESOURCE HANDBOOK

IR052093

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TABLE OF CONTENTS

	Page
Acknowledgements	i
Introduction	ii
Copyright Law Defined	1
Rights and Responsibilities	3
Suggested Procedures for Compliance	10
Policy	10
Guidelines	12
Monitoring	17
Selected Bibliography	25
Sources of Help	26

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INTRODUCTION

Traditionally, school districts have encouraged their staff members to enrich teaching and learning by making proper use of instructional resources. Coupled with this encouragement, leaders in education have also carried the tremendous responsibility of compliance with the Copyright Revision Act of 1976.

To assist Ohio educators with this responsibility the Ohio Educational Library Media Association and WVIZ - Instructional Television Advisory Council in cooperation have developed this resource handbook. This document is intended to be used as a tool by library media personnel working in concert with school boards and local administrators in determining policies and procedures for compliance.

This publication represents a sincere effort to operate legally and to maintain the highest possible ethical standards in the use of the copyrighted materials for both administrative and instructional purposes. Though interpretation of the copyright law continues, understanding the current law and its subsequent guidelines should be the basic first step for all school personnel. Continuous reading in professional journals is necessary to keep abreast of this constantly changing topic.

"Copyright Compliance Guidelines" includes statements outlining rights and responsibilities for educators, guidelines for print and nonprint materials, and suggested procedures for compliance. If local boards of education presently have policies and procedures for complying with the copyright law, they may need only to review or revise the present policy to determine its appropriateness and the degree to which it addresses the law. The material contained in this document is based on a professional interpretation on the copyright law as it pertains to education, but should not be a substitute for legal advice. Whenever school board policy relating to copyright is planned, the attorney for the board should be consulted to ensure that the policy reflects the latest and most precise understanding of the law.

COPYRIGHT LAW DEFINED

The Copyright Law (P.L. 94-553) exists to protect the creative rights of individuals. This general revision of the copyright law of the United States, the first such revision since 1909, makes important changes in our copyright system and generally, not entirely, supersedes the previous Federal copyright statute.

The law limits **what you may copy, how much you may copy, for what purposes you may copy, and under what conditions you may copy** a copyrighted work. Copyright, a form of protection provided by the laws of the United States (Title 17, U.S. Code) to the authors of "original works of authorship" including library, dramatic, musical, artistic, and certain other intellectual works, is available to both published and unpublished works. Authors and producers have specific rights under the law that cannot be denied, and yet, the law was designed to enable educators and students to have access to information and to reproduce copyrighted materials under clearly defined limitations for educational purposes.

All copyrighted print and nonprint media which can be copied is subject to the application of the following sections of the copyright law.

Section 107 - Fair Use

"Fair use" is the legal right to copy a limited amount of material under certain conditions without undue harm to the owner, such copying is to be allowed without obtaining permission from the owner. Of special importance to teachers, librarians, and other educators, is the doctrine of "fair use" and the accompanying congressional guidelines which stipulate what can and what cannot be copied for use in schools and classrooms.

The new copyright law stipulates that photocopying or other kinds of duplication and reproduction must abide by the criteria of "fair use." The fair use criteria should be applied to determine if intended copying is "fair" or not. The following are the four criteria of fair use specified by Section 107 of the new copyright law.

1. The purpose and character of the use.
2. The nature of the copyrighted work.
3. The amount and substantiality of the portion being copied.
4. The effect on the potential market and the effect on the value of the work.

All four of these criteria need to be applied in judging whether or not there may be an infringement. Meeting only one of the criteria is not enough. The copying must reflect appropriate use of all of the four criteria. In other words, if a teacher reproduces some material for an "educational purpose" (criteria #1), this does not constitute fair use unless the other three criteria (nature, amount, and effect) are also met.

Section 108 - Reproduction by Librarians and Archives

This section provides a legal basis for libraries to allow limited copying for research or replacement purposes.

1. An unpublished work which is in its collection.
2. A published work in order to replace it because it is damaged, deteriorated, lost or stolen, provided that an unused replacement cannot be obtained at a fair price.

A library may provide a single copy of copyrighted material at cost to a student or staff member.

1. The copy must be limited to one article of a periodical issue or a small part of other material, unless the library finds that the copyrighted work cannot be obtained elsewhere at a fair price. In the latter circumstances, the entire work may be copied.
2. The copy shall contain the notice of copyright and the student or staff member shall be notified that the copy is to be used only for private study, scholarship or research. Any other use may subject the person to liability for copyright infringement.

Section 110 - Exemptions of Certain Performances And Displays

This section allows the performance (not copying) of copyrighted materials in a classroom situation without special permission. With this exemption, teachers can play records, read books aloud, watch television even though they have not secured the right to do so. Audiovisual works such as videotapes are required to be viewed from a lawfully made copy and thus have been singled out for more careful scrutiny. Pre-recorded video cassettes and videotapes can be used in classroom and libraries as follows:

Teachers and pupils are exempt under Title 17, U.S. Code, Section 110 (1) to perform copyrighted works in **face to face instruction**, with the following limitations:

1. The performance is part of a **systematic course of instruction** and not for entertainment, recreation, or cultural value.
2. Attendance at performances is limited to the pupils enrolled in the course and to their teacher(s).
3. The performance is given in a classroom or a similar place devoted to instruction, including libraries and gymnasiums, so long as the attendance limitation (item 2, above) is satisfied.
4. The performance is given from a legitimately-made copy, which was not sold under a license or contract restricting school performance.

RIGHTS AND RESPONSIBILITIES

In order to provide educators with a better understanding of the influence that the copyright guidelines play in individual work situation, the following addresses specific job situations. The responsibility of the professional educator is to be knowledgeable of the law as it applies to that position and how it affects other persons influenced by the educator.*

*Taken from "Media Matters," Special Edition (Raleigh, North Carolina: North Carolina Department of Public Instruction, May 1985).

RIGHTS AND RESPONSIBILITIES FOR SUPERINTENDENTS AND SCHOOL BOARDS

At the district level, superintendents are responsible for developing policies which reinforce the fair use doctrines of the existing copyright law. Procedures for duplicating visual, printed, and auditory media as well as computer software should be incorporated into a school board policy and disseminated to all district employees. Workshops and staff development on permissible and nonpermissible copying should be held regularly to keep all staff members current on new developments in the law.

FAILURE OF THE SUPERINTENDENT AND SCHOOL BOARD TO PROPERLY ADVISE THEIR EMPLOYEES AND STUDENTS OF THE RULES GOVERNING FAIR USE IN COPYRIGHT COULD RESULT IN THEIR INCLUSION IN LITIGATION RESULTING FROM EMPLOYEE AND STUDENT VIOLATIONS.*

*Taken from "Media Matters," Special Edition (Raleigh, North Carolina: North Carolina Department of Public Instruction, May 1985).

RIGHTS AND RESPONSIBILITIES FOR PRINCIPALS

The principal's attitude in proper application of the copyright law is crucial to the school attitude toward compliance. The building administrator must be knowledgeable of the law and provide opportunities for all personnel within the school to be aware of the legal issues.

It is suggested that principals provide the following guidance for the school staff by:

- Setting a good example of compliance and insisting that teachers do likewise.
- Encouraging the development of school board policy on copyright.
- Arranging staff development on current copyright issues and addressing the special areas of copyright.
- Encouraging the development of a reference collection of copyright articles, books, etc., in the professional library of the school.
- Developing a process for obtaining permission to reproduce materials.
- Purchasing materials in sufficient quantities to preclude the need for illegal copies.

FAILURE OF PRINCIPALS TO PROPERLY INFORM THEIR STAFF OF THE LEGAL RAMIFICATIONS OF COPYRIGHT VIOLATIONS MAY RESULT IN THEIR INCLUSION IN LITIGATION FROM EMPLOYEE AND STUDENT VIOLATIONS.*

*Taken from "Media Matters," Special Edition (Raleigh, North Carolina: North Carolina Department of Public Instruction, May 1985).

RIGHTS AND RESPONSIBILITIES FOR LIBRARY MEDIA COORDINATORS/SUPERVISORS

School library media coordinators are in a unique position with regard to copyright. Given the service nature of library media programs, uninformed teachers, students, and principals are subject to make requests for copies of instructional resources that exceed what is permitted by the fair use provision of the law and the subsequent guidelines.

The following steps should be taken by the library media coordinator to meet the spirit of the law:

- Know the law and accompanying guidelines. Be proactive instead of reactive. Inform others about the services that can be provided and the limits imposed by the law.

- Provide adequate notification. Place signs in appropriate places - e.g., above copy machines and on videotape and audiotape recording equipment.

- Develop a reference collection of copyright articles, books, etc., in the professional library of the district.

- Initiate the formulation of systemwide policies that address copyright issues.

Refusing to assist someone in making illegal copies may require skillful interaction on the part of the library media coordinator. Modeling appropriate behavior may convey the most effective message.

A LIBRARY MEDIA COORDINATOR MAY BE INCLUDED IN LITIGATION TO THE EXTENT THAT HE/SHE ASSISTS OTHER EDUCATORS IN OBTAINING ILLEGAL COPIES.*

*Taken from "Media Matters," Special Edition (Raleigh, North Carolina: North Carolina Department of Public Instruction, May 1985).

RIGHTS AND RESPONSIBILITIES FOR COMPUTER COORDINATORS/SUPERVISORS

School computer coordinators are in a leadership position and serve as a model for their peer educators in the purchase and use of microcomputer software. They should assist educators in adhering to the copyright laws by encouraging and monitoring the purchase of a sufficient number of copies of a program to avoid illegal copying. They should stress planning procedures that would anticipate more accurately the number of program copies needed so special pricing agreements can be obtained.

As a role model, computer coordinators have a responsibility to deter the making of back-up copies unless permission to do so is clearly stated, to refrain from using unauthorized copies of unlocking of protection-breaker programs, and to discourage the use of newsletters, swap sessions, or electronic bulletin boards to exchange illegal copies of software or information on such copies.

The computer coordinator must provide copyright leadership in the school system by being well informed and by informing others about the copyright laws as applied to computer software.

WHEN TEACHERS MAKE ILLEGAL COPIES WITH THE CONSENT, ASSISTANCE, OR KNOWLEDGE OF THE COORDINATOR, THE COORDINATOR MAY BE INCLUDED IN ANY LITIGATION WHICH MAY ENSUE FROM FAILING TO PROVIDE PROPER GUIDANCE.*

*Taken from "Media Matters," Special Edition (Raleigh, North Carolina: North Carolina Department of Public Instruction, May 1985).

RIGHTS AND RESPONSIBILITIES FOR TEACHERS

For years, many teachers considered themselves to be immune from prosecution because of educator misinterpretations of "fair use" principles which apply to copyright restriction and also because publishers seemed unwilling to attempt prosecution of members of the education community. This attitude is changing, however, because of abuses by educators who are poorly informed about "fair use" and because advances in technology have made unauthorized duplication easier. Several recent court cases indicate an increasing willingness on the part of copyright holders to protect their interests. THE COPYRIGHT LAWS ALLOW RESTITUTION OF UP TO $10,000 FOR EACH VIOLATION FOR WHICH TEACHERS CAN BE HELD PERSONALLY LIABLE.*

Under fair use standards **teachers are permitted to**:

- Make a single copy of a short literary work for academic research, in teaching, or in preparation to teach a class.

- Make an overhead transparency from a workbook if not more than 10% of the workbook is used.

- Use recordings of student performances of a copy- righted work for evaluation and instruction.

- Make the maximum number of copies that are permitted by special arrangements with copyright holders. Licensing agreements in literary works, videotaping, and microcomputer software may supersede the copyright law.

On the otherhand a **teacher may violate the copyright** laws when he/she:

* Photocopies or duplicates pages from a consumable workbook.

* Photocopies or duplicates pages from a book or magazine for use in a learning activity without securing permission from the copyright holder and reuses the pages in later activities or recopies the same material for each new use.

* Makes non-emergency photocopies of music to use by students in performances or when emergency copies are not later replaced with purchased ones.

* Makes duplicates of copyrighted microcomputer soft- wate to avoid purchasing one copy for each microcomputer.

* Makes audiotapes from phonorecords.

* Reproduces or photocopies any copyrighted material without permission from the copyright holder where the primary purpose of duplication is to circumvent the need for purchase of the material.

* Makes a reproduction or photocopy of any kind which does not include the copyright notice.

*Taken from "Media Matters," Special Edition (Raleigh, North Carolina: North Carolina Department of Public Instruction, May 1985).

SUGGESTED PROCEDURES FOR COPYRIGHT COMPLIANCE

Recognizing its legal responsibility to establish policies which govern all operations of the schools each local board of education is encouraged to develop a copyright policy with specific guidelines for compliance.

COPYRIGHT POLICY

The process outlined below is suggested for developing a district copyright policy.

Step 1: The board of education makes a commitment to develop and adopt a copyright policy.

Step 2: The board of education or its designee appoints an ad hoc committee composed of administrators, teachers, and media specialists.

Step 3: The board specifies the components to be included in the policy and charges the committee with specific responsibilities. A date is set by which the committee is to submit its recommendations to the board of education.

Step 4: The board of education studies the recommendations of the committee and seeks legal review and public comment.

Step 5: The board accepts or revises the committee's recommendations and adopts a formal written copyright policy for the school district.

Step 6: Following adoption of the policy, the superintendent or designee disseminates the policy to all school personnel and the community, develops necessary implementation procedures, and conducts orientation meetings for certificated and classified staff members and others as appropriate.

Sample policy statements for components generally included in a comprehensive copyright policy are listed below. No policy has been reproduced in its entirety.

A. Policy

"It is the public policy of the _____ Public School District to conform to existing United States copyright laws and to maintain the highest possible ethical standards in our use of copyrighted materials for instructional purposes."

"On January 1, 1978, Public Law 94-553, the new Copyright Law, went into effect in the United States. This law affects all school employees because it sets guidelines regarding the duplication and use of all copyrighted material...."

"It is the intent of the Board of Education to adhere to the provisions of the 1976 Federal copyright laws. Though there continues to be controversy regarding interpretation of copyright laws, this policy represents a sincere effort to operate legally and to maintain the highest possible ethical standards in our use of copyrighted materials for administrative and instructional purposes."

B. Designation of Responsibility

"While the District encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of District personnel to abide by the District's copying procedures and obey the requirements of the law. Under no circumstances shall it be necessary for employees of the District to violate copyright requirements in order to perform their duties properly. Therefore, the Board will not be responsible for any violations of the copyright law by its employees."

"Administrators have the responsibility of informing the employees whom they supervise that the Copyright Law (P.L. 94-553), subsequent congressional amendments, and "fair use" determined by case law, should guide employee use of copyrighted material. Employees should also be informed that violation of copyright is a felony and that the law allows a court to hold individuals personally responsible for infringing the law."

"Administrators with responsibility for equipment such as photocopy machines, audio and videotape recorders, computers, and any other technology capable of reproducing copyrighted material should take reasonable steps to insure use within the limits prescribed by law."

"The Superintendent is responsible for developing and implementing administrative guidelines to enforce the copyright law. Employees who question an interpretation of the law should have access to the administrative guidelines regarding copyright. Guidelines will be periodically updated as information becomes available."

"Persons responsible for access to or operation of copy machines should be familiar with permission and restrictions of the law, and should be free to appeal for administrative support in enforcing copyright policy."

"The Board of Education does not sanction nor condone illegal duplication in any form and any employee violating the school district's copyright position does so at his/her own risk and assumes all liability-responsibilities."

GUIDELINES

I. Reproduction or Use of Copyrighted Materials.

The reproduction or use of copyrighted materials by educators and librarians is permitted by law under certain circumstances. School personnel shall abide by such principles of "fair use" as permitted by the Copyright Law, P.L. 94-533, Federal guidelines and District procedures.

Copyright owners and users have agreed on limited amounts of copying which can be done without fear of criminal penalty. These guidelines have Congressional Committee backing and are considered lawful. Beyond these guidelines is a grey area which may still be considered "fair use" but only a court case can decide for sure.

II. Reproduction and Use of Copyrighted Material in Print.

A. Guidelines for Classroom Copying In Not-For-Profit Educational Institutions With Respect to Books and Periodicals. (The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107 (see page 1, 2.)

1. In preparing for instruction, a teacher may make or have made a single copy of:
   a. a chapter from a book;
   b. an article from a newspaper periodical;
   c. a short story, short essay or short poem;
   d. a chart, graph, diagram, drawing, cartoon, or picture from a book periodical, or newspaper.

2. A teacher may make multiple copies of the following for classroom use, but no more than one copy per student:
   a. a complete poem of less than 250 words;
   b. an excerpt of not more than 250 words from a longer poem;
   c. a complete prose work if it is less than 2,500 words;
   d. an excerpt of not more than 500 words from a prose work of between 2,500 and 5,000 words;
   e. an excerpt of not more than 10% of a prose work of between 5,000 and 10,000 words;
   f. an excerpt of not more than 1,000 words from a prose work which is greater than 10,000 words.
   g. one illustration per book or periodical issue; and
   h. not more than two pages and 10% of the words of "special works" which combine illustrations and less than 2,500 words: i.e., children's book.
   i. any of the foregoing numerical limits may be exceeded in order to complete a line of poetry or a paragraph of prose.

3. Performance by teachers or students of copyrighted dramatic works without authorization from the copyright owner are permitted as a part of teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.
4. Teachers may use copyrighted material in opaque projectors for instruction purposes for viewing purposes only.

B. Definition

1. **Brevity.** The copying is limited in length according to the type of material. **Poetry** is limited to one complete poem if less than 250 words and if printed on not more than two pages. If it is a longer poem, the limit is an excerpt of not more than 250 words. **Prose** is limited to one complete article, story, or essay of less than 2,500 words. Or the prose is limited to an excerpt of 10% of the work or 500 words - whichever is less - when the prose work is no more than 1,000 words. **Illustrations** are limited to one chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
2. **Spontaneity.** The copying is at the instance and inspiration of the individual teacher and the inspiration/decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.
3. **Cumulative Effect**. The copying of the material is for only one course in the school. Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work of periodical volume during one class term. There shall not be more than nine instances of such multiple copying for one course during one class term.
4. **Prohibitions.** Copying shall not be used to create or to replace or substitute for anthologies, compilation, or collective works. Such replacements or substitutions may occur whether copies of various works or excerpts there from are accumulated or reproduced and used separately. There shall be no copying of or from works intended to be consumable in the course of study or of teaching. These include workbooks, exercises, standardized tests, test booklets, answer sheets, and other consumable materials. Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals. Copying shall not be directed by a higher authority or repeated with respect to the same item by the same teacher from term to term. No charge shall be made to the student beyond the actual cost of the photocopying. This means that copying charges made to the student for profit are strictly forbidden.

III. Reproduction and Use of Copyrighted Music.

A. A teacher may make a single copy of a song, movement, or short section from a printed musical work that is unavailable except in a larger work for purposes of preparing for instruction.

B. A teacher may make multiple copies for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided, however, that the excerpt does not comprise a part of the whole musical work which would constitute a performable unit such as a complete section, movement, or song.

C. In an emergency, a teacher may make and use replacement copies of printed music for an imminent musical performance when the purchased copies have been lost, destroyed or are otherwise not available.

D. A teacher may make and retain a single recording of student performances of copyrighted material when it is made for the purposes of evaluation or rehearsal.

E. A teacher may make and retain a single copy of excerpts from recordings of copyrighted musical works for use as aural exercises or examination questions.

F. A teacher may edit or simplify purchased copies of music provided that the fundamental character of the music is not distorted. Lyrics shall not be altered or added if none exist.

G. Performance by teachers or students of copyrighted musical is permitted without the authorization of the copyright owner as part of a teaching activity in a classroom or instructional setting. The purpose shall be instructional rather than for entertainment.

H. Performance of non-dramatic musical works which are copyrighted are permitted without the authorization of the copyright owner, provided, however, that:
   1. the performance is not for a commercial purpose;
   2. none of the performers, promoters or organizers are compensated; and
   3. admission fees are used for educational or charitable purposes only.

I. All other musical performances require permission from the copyright owner.

IV. Reproduction and Use of Copyrighted Audiovisual Material.

A. A teacher **may**:
   1. Create a series of slides from multiple sources, such as magazines, books, encyclopedias, etc., as long as one does not exceed 10% of the photographs in any one source, unless the source specifically prohibits any photographic reproduction.
   2. Create a single overhead transparency from a single page of a consumable workbook.
   3. Create multiple overhead transparencies from a variety of sources, not exceeding 10% of the total content of any one source, unless this type of reproduction is specifically prohibited.

4. Excerpt sections from a filmstrip to create slides as long as one does not exceed 10% of the entire work or excerpt the very creative essence of the work.
5. Reproduce selective slides from a slide series as long as one does not exceed 10% of the entire production, excerpt the very creative essence of the work or violate a specific prohibition for this type of reproduction.

B. A teacher **may not**:
1. Duplicate cassette tapes unless reproduction rights were given at time of purchase.
2. Reproduce musical works (i.e. records) or convert into another form for use (i.e. tapes).
3. Reproduce "ditto masters" produced commercially, individually, or sets or as part of multi-media kits if they are available for sale separately.
4. Reproduce any audiovisual work in its entirety.
5. Convert one media format into another, i.e. 16mm film to videotape.
6. Narrate entire stories on to audiotape.

C. Guidelines for off-air recording of broadcast programming for educational purposes. (Congressional Record, October 14, 1981, pp. E 4750-E 4752).
1. The guidelines were developed to apply only to off-air recordings by **non-profit educational institutions.**
2. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable re-transmission) and retained by a non-profit educational institutions for a period **not to exceed the first forty-five (45) consecutive calendar days** after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast programs" are television programs transmitted by television stations for reception by the general public without charge.
3. Off-air recordings may be **used once by individual teachers in the course** of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction within a single building, cluster or campus, as well as the homes of students receiving formalized home instruction, **during the first ten (10) consecutive school days in the forty-five (45) calendar day retention period.** "School days" are school session days - not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions - within the forty-five (45) calendar day retention period.
4. Off-air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
5. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.

6. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum, and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.
7. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
8. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
9. Education institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

D. Permissible uses of prerecorded * and videotapes (home videotape rental stores).
   1. Teachers and pupils are exempt under Title 17, Section 110 (1) to perform copyrighted works in **face-to-face instruction**, with the following limitations.
      a. The performance is part of a **systematic course of instruction** and not for entertainment, recreation, or cultural value.
      b. Attendance at performances is limited to the pupils enrolled in the course, and to their teacher(s).
      c. The performance is given in a classroom or a similar place devoted to instruction, including libraries and gymnasiums, so long as the attendance limitation (Item B, above) is satisfied.
      d. The performance is given from a **legitimately-made** copy, which was not sold under a license or contract restricting school performances.

VI. Authorized Reproduction and Use of Copyrighted Computer Software.

A. On December 12, 1980, by Public Law 96-517, Section 117 of the Copyright Law was amended. The following highlights the changes that were incorporated.

   1. A definition of a "computer program" was inserted and is defined as "a set of statements or instructions to be used directly in a computer in order to bring about a certain result."
   2. The **owner** of a copy of a computer program is **not** infringing on the Copyright by making or authorizing the making of another copy or adaption of that program **if** the following criteria are met:
      a. That the new copy or adaptation is created in order to be able to use the program in conjunction with the machine and it is used in no other machine.
      b. That the new copy or adaptation is for **archival** purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.
      c. Any copies prepared or adapted may not be leased, sold or **otherwise transferred** without the authorization of the copyright owner.

MONITORING

The following sample signs, labels, and forms were collected from school districts and serve to offer as tools for monitoring copyright compliance. Items included for consideration are:

I. Unsupervised Copy Equipment

A. The following notice, in large type, shall be affixed to all District copying equipment.

NOTICE: THE COPYRIGHT LAW OF THE UNITED STATES GOVERNS THE MAKING OF COPIES OF COPYRIGHTED MATERIAL.

B. The following notice, in large type, shall be posted prominently where print copies are made available to students and/or staff:

Warning Concerning Copyright Restrictions

The Copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright Infringement.

This institution reserves the right to refuse to accept a copying order, if in its judgement, fulfillment of the order would involve violation of copyright law.

II. Learning Resource Center Equipment.

A. The following notice, in large type, shall be posted prominently where videotape copies are made available to students and/or staff:

OFF-AIR VIDEOTAPING POLICY

It is our public policy to conform to existing United States Copyright Laws and to maintain the highest possible ethical standards in our use of copyrighted materials for instructional purposes.

The United States copyright Laws (Title 17 USC) specifically prohibit the unauthorized copying of works of authorship—such as television programs, video presentations, and films. Failure to obtain any necessary copying permission may result in severe civil and criminal penalties.

The Fair Use Guidelines for Off-Air Videotaping For Educational Use do permit some limited copying rights and limited use rights. However, long-term licenses which permit you to permanently retain your off-air videotapes of television programs fall beyond the scope of the Guidelines. As such, to permanently retain your tapes, you must license them.

For more information on available programs and applicable restrictions, please contact

_____ _____

(signature and title) (telephone number)

Perhaps you have questions about fair use and other matters pertaining to the copyright laws? As a member of the TELEVISION LICENSING CENTER you may write to the Video Copyright Reference Service (VCRs) to have your questions answered in writing.

FILMS INCORPORATED

video learning center

5547 N. Ravenswood Avenue, Chicago IL 60640
1-800-323-4222, in IL 312-878-2600

B.

The Library Media Department shall monitor use of videotapes with the following procedures as required in Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes.

1. LOG-IN BOOK

Videotaping Log - - Copyrighted Materials

Series	Program Title	Requested By	Date Taped	Erase Before	Date Erased

2. LABELS FOR VIDEOTAPES

IMPORTANT COPYRIGHT NOTICE
This program was copied under the guidelines established by the Negotiating Committee of the Subcommittee on Courts, Civil Liberties and the Administration of Justice, U.S. House of Representatives. In accordance with those guidelines this tape:
1. May be used once by a teacher with one class (with one follow-up permitted for reinforce- ment) within the first 10 consecutive school days.
2. May be retained for 45 calendar days for evaluation purposes.
3. MUST BE ERASED BY _____

Important Copyright Notice
Permission to copy this tape has been granted _____ Schools through membership in WVIZ, Channel 25. Rights expire:_____

Important Copyright Notice
Permission to copy this tape has been granted _____ Schools through membership in WVIZ, Channel 25. Off-Air Taping rights: **Unlimited.**

Important Copyright Notice
Permission to copy this tape has been granted _____ Schools by the copyright owner. See permission letter for details.

C. Form - "Request for Off-Air Videotaping." (Attached) This teacher form shall be filed in the building LRC.

D. Form - "Request for Television Videotape Retention." (Attached)

E. Form - "Request for Video Equipment." (Attached) This teacher form shall be used when showing a pre-recorded video cassette taken from home television or rented from a home-video store.

F. Form - "Request for Permission to Copy." (Attached)

C.

(PLACE ON SCHOOL STATIONERY)

I hereby request that the following television program be videotaped for my class use and/or evaluation.

Name of Program to be Telecast: _____

Date of Telecast: _____ Channel to be Telecast on: _____

Length of Telecast:_____

This program is applicable to the following Course of Study:_____

_____

1. After a satisfactory videotape has been made of the requested program, it will be retained for a period of **not to exceed 45 days** unless proper licensing agreement is being pursued.

2. This recording will be used once in the course of a relevant teaching activity and repeated only once for instructional reinforcement during the first ten (10) days after recording.

3. Following the first ten (10) consecutive school days, this program shall be used for teacher evaluation purposes only.

4. The recording shall not be altered from its original content.

5. These guidelines apply only to off-air recording not covered under agreements between _____ City Schools and other sources. (i.e., Ch. 45/49, NEO-IMC).

I, the undersigned have read the above and agree to its restrictions. I, furthermore, agree to abide by the Fair Use Doctrine as applied to the 1978 Copyright Act.

NOTE: This recording cannot be used after _____
(Date)

_____ _____
(Signature) (Date)

D.

REQUEST FOR TELEVISION VIDEOTAPE RETENTION

_____City Schools

TO: Coordinator of Library Media Services K-12 Instructional Materials Center

FROM: School:_____

Media Specialist:_____

Requesting Teacher:_____

Subject/Grade Level:_____

DATE:_____

We do hereby request that the copyright holders of the following television program be contacted relative to obtaining permission to use a videotape copy in

Name of Program:_____

Date of Telecast:_____ Channel of Telecast:_____

Length of Telecast:_____ Course of Study:_____

_____ _____

Requesting Teacher Signature Principal Approval

For Library Media Services Department Use Only:

Name of Producer:

Network Affiliation:

Request Sent: Date:

Answer Received: Date:

Cost of Program:

Notes:

This program has been ❑ approved
❑ disapproved
for retention and circulation by the _____ City Schools.

Date: Initial:

Reason for Disapproval:

❑ Copyright holder will not give permission.
❑ Cannot find copyright holder.
❑ Program cost prohibitive.
❑ Sufficient funds not available at this time.
❑ Similar media available from Media Library.
❑ Potential curricular use of programs insufficient to warrant purchase.
❑ Content will become out-dated very soon.
❑ Other

E.

(PLACE ON SCHOOL STATIONERY)

I hereby request to use the school's video equipment for the purpose of showing a pre-recorded video cassette to my students.

Program Title:_____

Program Rating: _____

Pre-recorded video cassettes and videotapes can be used in classrooms and libraries as follows:

1. Teachers and pupils are exempt under Title 17, U.S. Code, Section 110 (1) to perform copyrighted works in **face-to-face instruction**, with the following limitations:

a. The performance is part of a **systematic course of instruction** and not for entertainment, recreation, or cultural value.

b. Attendance at performances is limited to the pupils enrolled in the course, and to their teacher(s).

c. The performance is given in a classroom or a similar place devoted to instruction, including libraries and gymnasiums, so long as the attendance limitation (Item b, above) is satisfied.

d. The performance is given from a legitimately-made copy, which was not sold under a license or contract restricting school performances.

I, the undersigned, have read the above and agree to its restrictions.

_____ _____

(Signature) (Date)

F.

(PLACE ON SCHOOL STATIONERY)

School:_____ Date:_____

Address:_____

Person Making Request:_____

TO: Permission Department

Dear Permission Department:

We would like to request permission to copy the following copyrighted materials:

Materials to be copied:_____

Number of copies to be made:_____

Copy medium:_____

Use of copies: _____

Anticipated date of first use:_____

Distribution of copies:_____

Thank you for your cooperation. I am enclosing a copy of this request for your files, signed by me, and a self- addressed envelope for the return of this request.

_____ _____
(Signature) (Title)

If we have not heard from you within 30 days, we shall assume that permission to duplicate has been granted.

PRODUCER'S REPLY:

Title:_____

Date:_____

❑ Permission granted ❑ Permission denied

_____ _____
(Signature) (Title)

Conditions or details:_____

SELECTED BIBLIOGRAPHY

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Association for Information Media and Equipment. Copyright Law: What Every School, College and Public Library Should Know. A.I.M.E., 1986. 108 Wilmot Rd.; Deerfield, IL 60015. $15.00 1/2" Beta or VHS.

Becker, G. H. The Copyright Game Resource Guide Booklet. Director of Media Services; Seminole County Schools; 1211 Mellonville Avenue; Sanford, FL 32771.

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Helm, Virginia. What Educators Should Know About Copyright. (Fastback Series). Phi Delta Kappa Educational Foundation, 1986, 50 pp.

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Talab, Rosemary. "Look Both Ways Before You Copy Software." Tech Trends. Vol. 30, No. 2, Feb/March 1985. pp. 28-30.

SOURCES FOR HELP

American Library Association
50 East Huron Street
Chicago, IL 60611 (312) 944-6780

Association of American Publishers
1701 L Street, N.W., Suite 48
Washington, D.C. 20036

Association for Educational Communications and Technology
1210 16th Street, N.W.
Washington, D.C. 20036
(202) 833-4180

Ohio Department of Education
School Library Media Consultant
Division of Elementary and Secondary Education
65 South Front Street, Room 1005
Columbus, OH 43215
(614) 466-2761

Ohio Educational Library Media Association
Copyright Committee
40 South Third Street, Suite 230
Columbus, OH 43210
(614) 221-9057

United States Copyright Office
Library of Congress
Washington, D.C. 20559